



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,583	03/29/2004	Jay S. Walker	03-068	2063
22927	7590	11/06/2006	EXAMINER	
WALKER DIGITAL 2 HIGH RIDGE PARK STAMFORD, CT 06905			SAGER, MARK ALAN	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 11/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

217

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

10 / 811,583

EXAMINER

ART UNIT

PAPER

1012006

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The office has determined that the reply rec'd Sep 7, 2006 is a bona-fide attempt to respond to prior office action but the filed reply fails to provide a proper reply by responding to all issues in prior action per 37 CFR 1.111 that states in part that a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. It further states in amending in reply to a rejection of claims in an application, the applicant must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited. The applicant must also show how the amendments avoid such references or objections. In this case, Applicant failed to properly address the judicially created obviousness double patenting holding regarding patent 6361441 and stated a general allegation of patentability without addressing how the claims distinguish over references. It is noteworthy that the Applicant provided a terminal disclaimer for the other 5 patents listed in holding, but no comment regarding 6361441 was found in remarks. It is noted no review of the merits of filed reply has been initiated and only a determination that an incomplete response was filed is indicated herein.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, Applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

M. A. Sager  
Primary Examiner  
Art Unit: 3712